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Attorneys for Plaintiff and Counterdefendant
ZINUS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ZINUS, INC. a California Corporation,

Plaintiff,

v.

SIMMONS BEDDING COMPANY, a
Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

Defendants.

Case No. 07-CV-03012-PVT

**STIPULATION AND PROPOSED ORDER
ENLARGING BRIEFING SCHEDULE FOR
PLAINTIFF ZINUS' MOTION FOR
RECONSIDERATION OF THE ORDER
DENYING PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT OF NON-
INFRINGEMENT**

Date: January 22, 2008
Time: 10:00 a.m.
Location: Courtroom 5
Before: The Honorable Patricia V. Trumbull

AND RELATED COUNTERCLAIMS

1 WHEREAS on December 17, 2007, plaintiff and counterclaim defendant Zinus, Inc.
2 (“Zinus”) filed a Motion for Reconsideration of the Order Denying Plaintiff’s Motion for
3 Summary Judgment of Non-Infringement (the “Motion for Reconsideration”), and set the motion
4 for hearing on January 22, 2008; and

5 WHEREAS pursuant to Local Rule 7-3, and given the court closures for the holiday, the
6 Opposition to Zinus’ Motion for Reconsideration is currently due on December 28, 2007; and

7 WHEREAS counsel for defendant Simmons Bedding Company (“Simmons Bedding”)
8 and defendant and counterclaimant Dreamwell, Ltd. (“Dreamwell”) (Simmons Bedding and
9 Dreamwell shall be referred to collectively as “Defendants”) will be out of the office on vacation
10 from December 19 through January 1, and out of the country and without computer network
11 access from December 20 through December 28; and

12 WHEREAS counsel for Defendants would not have time or opportunity to adequately
13 respond to the Motion for Reconsideration on the current briefing schedule; and

14 WHEREAS Zinus is anxious to have its Motion for Reconsideration resolved at the
15 earliest opportunity and does not wish to extend the hearing date for the motion;

16 THEREFORE, pursuant to Local Rule 6, it is hereby stipulated between Zinus and
17 Defendants, by and through their respective counsel and subject to the Court’s approval, that the
18 briefing schedule on Zinus’ Motion for Reconsideration may be modified as follows:
19 Dreamwell’s Opposition to the motion shall be filed on or before Tuesday, January 8, 2008, and
20 Zinus’ Reply in support of the motion shall be filed on or before Tuesday, January 15, 2008. The
21 hearing on the Motion for Reconsideration shall remain scheduled for Tuesday, January 22, 2008.

22 Dated: December 18, 2007

23 **PERKINS COIE LLP**

24 By _____/s/
25 Kenneth B. Wilson

26 Attorneys for Defendant
27 SIMMONS BEDDING COMPANY
28 and Defendant and Counterclaimant DREAMWELL,
LTD.

1 Dated: December 18, 2007

2 **IMPERIUM PATENT WORKS**

3 By _____/s/
4 Darien K. Wallace

5 Attorneys for Plaintiff and Counterdefendant
6 ZINUS, INC.

7 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

8 I, Kenneth B. Wilson, hereby attest that concurrence in the filing of this document has
9 been obtained from the other signatory.

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct. Executed on December 18, 2007 in San Francisco, California.

12
13 _____/s/
14 Kenneth B. Wilson

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

16
17
18 Dated: December __, 2007

19 _____
The Honorable Patricia V. Trumbull
United States Magistrate Judge